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A SOCIAL PLANNING & RESEARCH ORGANIZATION

ASSESSMENT OF THE HIBERNIA ENVIRONMENTAL IMPACT PUBLIC REVIEW PROCESS

submitted to the

DEPARTMENT OF SECRETARY OF STATE
GOVERNMENT OF CANADA

by the

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1.0 INTRODUCTION

The Hibernia Development Project environmental impact review involved both the largest socio-economic and environmental research project and the most extensive public review process ever undertaken in Newfoundland. It saw the production of an Environmental Impact Statement covering four volumes and 878 pages, supported by 21 detailed background reports. The formal review process involved 29 public meetings and the submission of 90 briefs, and led to the production of a report containing 50 recommendations. The total cost of the review has been estimated at about $8 million.

This report is an assessment of this process from the perspective of community groups and agencies. It is not a review of either the Hibernia Environmental Impact Statement itself nor the Report of the Environmental Assessment Panel. Instead it addresses itself to the role of the community in the process, and such questions as:

What community groups did, and did not, participate?
What factors constrained the level and effectiveness of public participation?
What resources were groups able to draw on? and
What level of public credibility did the process have?

This review comes out of a larger Community Services Council project on Community Responses to Resource Development, which was funded by the Department of the Secretary of State. It is based on consideration of literature on the review process, the Council's involvement in all aspects of the Hibernia public review, the results of a survey of community groups undertaken in February and March 1986, and a review seminar held in St. John's on March 13, 1986.

2.0 THE HIBERNIA REVIEW PROCESS

2.1 Introduction

The Hibernia Environmental Assessment Panel was established in accordance with Section 33 and 34 of the Atlantic Accord, a memorandum of agreement between the Government of Canada and the Government of Newfoundland and Labrador on offshore oil and gas resource management and revenue sharing, signed in February 1985. On March 15, 1985, the governments announced that the Panel would operate under the joint chairmanship of Phil Paradine and Ross Peters. The other Panel members appointed were Alfred Needler, Raoul Andersen, Kevin Molloy, and Winnifred Roebothan-Wells.

The following description of the Panel's mandate and activities is excerpted from the Report of the Hibernia Environmental Assessment Panel which was released in January 1986.

2.2 The Panel's Mandate

Under the Terms of Reference issued to it, the Panel was asked to make recommendations on the terms and conditions under which the project could proceed in a safe environmentally acceptable manner. The review was to include production and transportation systems and major ancillary facilities associated with the project. Employment and industrial benefits expected from the project were to be examined along with the direct effects on the social and economic infrastructure in the communities. Emphasis was to be placed on the proponent's preferred alternative mode of development. Not included in the Panel's mandate were questions of energy policy, jurisdiction, fiscal and management regimes, project economics or the division of revenues.

Under the Terms of Reference established for the review, the federal guidelines, issued in July 1980, and the provincial guidelines, issued in January 1981, formed the basis for the preparation of the Environmental Impact Statement (EIS).

2.3 The Review Process

To assist participants in understanding the environmental assessment and review process, the Panel issued operational procedures on April 4, 1985.

Mobil submitted its EIS on May 15, 1985. Copies of the document or its summary were sent to people on the Panel's mailing list and placed in libraries, government offices and other convenient locations to assist members of the public in becoming familiar with the EIS information. Over 1500 copies of the EIS or its summary were distributed. Interested parties were invited to participate in the Panel review by providing written comments on the EIS and Mobil's proposed project by August 1, 1985. Notices were placed in newspapers and with other media in Newfoundland announcing the beginning of the review of the EIS. Details and dates of public information sessions, and the due date for written comments on the EIS were similarly publicized.

The Panel retained the services of independent advisors to review specific aspects of the EIS and supporting documents, to provide appraisals of the information presented in comparison with that requested in the guidelines, and to provide intervenors with responses to their questions. The technical experts were Dr. William Ford (oceanography), Dr. Richard Haedrich (fisheries), Dr. Ian McLaren (marine birds and mammals), Dr. Derek Muggeridge (ice dynamics), Dr. Douglas Napier (safety), Dr. Douglas May (economics), and Dr. Frank Hawkins and Dr. Paul White (social sciences).

To give people an opportunity to ask questions about the project and to help them prepare comments on the EIS, the Panel held public information sessions between June 10 and June 21, 1985, in Harbour Grace, Marystown, Fortune, Come By Chance, Placentia, Corner Brook, Botwood, St. John's, Ferryland, and Trepassey. At the request of review participants, two additional sessions were held in St. John's on June 26, 1985. Approximately 670 people attended the twelve sessions. Transcripts of the proceedings (1094 pages) were placed in information centres and distributed to participants.

As a result of review of the EIS, the Panel received 22 submissions which were made public in a compendium of comments which was distributed to all review participants in August 1985. The Panel reviewed the comments and on August 15,

requested further information from Mobil on icebergs, oil spills, loss of fishing areas, employment estimates and social issues. It also asked for information on waves, shuttle tanker traffic, sea-bed stability, monitoring, construction work camps, and a response to issues raised by review participants. Federal and provincial government departments were also asked to respond to issues raised relating to their responsibilities.

Prior to submission of the EIS, Mobil had agreed to identify its preferred mode of development by August 15, 1985 and, where necessary, update the impact information contained in the EIS. On July 30, 1985, Mobil advised the governments that a fixed production system had been selected as the preferred mode of developing the Hibernia field. On August 15, 1985, Mobil submitted its EIS Update to the Panel. The Update described the preferred mode of development and highlighted the EIS. The Panel distributed the Update to all review participants.

On September 13, 1985, Mobil submitted a Supplementary Information volume of the EIS (EIS Supplement) which the Panel distributed to all review participants. The Panel announced on September 16, 1985 details concerning the dates and locations of final public hearings, together with topics to be discussed and hearings procedures.

Community hearings were held in Marystown on October 7, Come By Chance on October 8, Placentia on October 9, Harbour Grace on October 10 and Ferryland on October 15. During the following two weeks general and technical hearings were held in St. John's. Topics scheduled for discussion in St. John's were social impacts (work camps, housing, social services, monitoring); economic impacts (training and employment); impacts of the environment on the project (sea ice, icebergs, oceanography); impacts of the project on the environment (seabirds, fisheries); safety; oil spills; and risk assessment. The hearings provided an opportunity for review participants to present their views and opinions on the proposal. Over 1000 people attended the 11 days of hearings. Transcripts of the proceedings (1726 pages) were placed in public information centres.

The Panel heard 66 oral presentations and received 90 written submissions during the hearings. Officials from Mobil, the Government of Newfoundland and Labrador, Environment Canada, Fisheries and Oceans and the Canadian Oil and Gas Lands Administration were present throughout the technical hearings.

3.0 HIBERNIA REVIEW PROCESS EVALUATION

3.1 Introduction

The following evaluation draws heavily on the results of the Council's survey of community groups and a subsequent review seminar.

The survey involved mailing seven-page questionnaires (Appendix 1) to a total of 112 community groups in Eastern Newfoundland. The questionnaires sought information on the characteristics of the group, sources of information about oil development, participation in the Hibernia review process, and views on that process. It was sent to all 36 community groups which submitted briefs, and to a further 76 groups which had not. So as to permit a meaningful comparison of groups which did and did not submit briefs ('intervenors' and 'non-intervenors') the groups were matched, as far as possible, in terms of type of group (e.g. municipalities, rural development associations, public interest groups, etc) and location.

A larger number of non-intervenors than intervenors were sent questionnaires in anticipation of lower levels of interest and hence return rates. This proved to be the case, with 23 returns from intervenors (a 64% rate) and 17 from non-intervenors (a 22% rate). The characteristics of the respondents were summarized in Table 1.

TABLE 1

CHARACTERISTICS OF SURVEY RESPONDENTS

	Intervenors	Non-Intervenors	Total
Type of Group:			
Rural Development Associations	2	3	5
Municipalities	2	7	9
Regional Interest Groups	6	0	6
Provincial Interest Groups	13	7	20
Location:			
Outside St. John's C M A	8	7	15
St. John's C M A	15	10	25
Total	23	17	40

The review seminar was attended by people from a range of community groups, together with a former member of the Hibernia Panel, Panel staff and technical experts, and people from various provincial and federal governments, Canada-Newfoundland Offshore Petroleum Board, provincial Royal Commission on Employment and Unemployment, Newfoundland Federation of Labour, Newfoundland Economic Council, Memorial University of Newfoundland, and Mobil Oil Canada Ltd. (Appendix 2). Regrettably the provincial Petroleum Directorate declined the invitation to participate. The seminar reviewed various aspects of the environmental assessment process, and discussed the preliminary findings of the Community Services Council's survey.

3.2 Process Evaluation

3.2.1 Attitudes Towards the Process

Generally speaking, community groups were very positive in their evaluation of the value of the process. For example, 73% agreed or strongly agreed with the statement 'the process is valuable and should be repeated every time the Board receives a development application'; only 5% of respondents expressed disagreement, with a further 22% being undecided. There was no significant difference between the responses of intervenors and others.

Conversely, when asked to respond to the statement 'the process is a waste of time and will have little impact on the way Hibernia is developed', only 14% agreed, while 59% disagreed, and 26% did not know. However, more intervenors (20%) than non-intervenors (7%) agreed with this statement. Negative reactions were also expressed by some intervenor groups at the review seminar, with there being frustration with the opportunities for participation afforded by the process. A few groups had discussed the value of boycotting the environmental review so as not to be seen as legitimating it (the Community Planning Association of Canada - Nova Scotia took such a stand with respect to the Venture Development review process), although they all ultimately participated.

As further evidence that the process was deemed valuable, it is interesting that over 80% of respondents agreed with each of the following statements: 'the process made our organization more aware of the potential impact of the Hibernia Development'; that it 'made us more aware of the need for initiatives to offset the poten-

tially negative socio-economic impacts of the development'; and that it 'provided a valuable opportunity for groups like ours to present our views'. The last comment was qualified to some extent by responses to the statement that 'the process made it easier for Mobil to present its point of view than it did for an organization like ours'. Only 19% of respondents disagreed with this statement, while 68% agreed and 13% did not know. Of those who intervened 73% agreed, while only 60% of non-intervenors agreed.

3.2.2 Participation in the Review Process

Virtually all environmental impact assessment processes call for extensive public participation in either the review process itself or in an evaluation of the study's results. D'Amore and Rittenburg identify participation as one of the criteria by which the quality of social impact assessment (SIA), one component of the review, is to be judged:

> Ensuring the positive intervention of a "higher level system" on community ecology can be achieved in some measure by the way in which SIA is carried out. As such, objectives might reflect: the quality and extent of public participation in the SIA; the intent with which the community feels it is being approached; the extent of effort to reach different publics; and the recognition their "input" is given. All count heavily in the success and effectiveness of the SIA. (1978,29)

Community participation in the process undoubtedly also serves an important educational function and thereby affects the community's ability to respond constructively in coping with the impact of development.

While community groups had criticisms regarding the number and location of meetings, and other aspects of the Panel's operational procedures (see below, 9) 56% of our survey respondents had attended information sessions and 72% the public hearings. Predictably, attendance at the information sessions was more common among intervenors (73% attended) than non-intervenors (35%). The same was true of the public hearings, with attendance rates of 95% and 33% respectively.

Of those groups which attended neither information sessions nor public hearings, four said this was because they did not feel the process was relevant to their group. Our survey indicated that 60% of respondents felt that offshore oil development would have "quite a lot" of impact on those whose interest their organization serves. No community groups surveyed felt it would not be affected by the Hibernia development. However the proportion feeling that oil development had a lot of relevance for them declined 82% for intervenors to 33% for non-intervenors, suggesting a self-selection process.

Of the six non-intervenor groups which thought the process had quite a lot of relevance for them, five answered questions about reasons for not submitting briefs. Three of these said they were prevented from participating by insufficient time, three by insufficient staff and one because they did not expect their views to have impact.[1]

3.2.3 Panel's Terms of Reference

Both the survey and review seminar revealed dissatisfaction with the Hibernia Panel's terms of reference. The perceived problem was that 'wider terms of reference are required', and in particular that the review 'must take financial impact and revenue sharing into account'.

As has already been noted, the mandate of the Panel did not include 'questions of energy policy, jurisdiction, the fiscal and management regime, project economics, or the division of revenues between governments' (HEAP, 1985, 9). Community groups not only objected to the exclusion of these issues from consideration, but also observed that the rigid observance of such limits had a negative effect on the terms of the entire review. Certainly the Panel itself concluded that 'governments should consider establishing terms of reference of future panels which would permit a more comprehensive review ... including aspects falling within the jurisdiction of governments' (HEAP, 1985, 47 (Recommendation #44)). Groups were also concerned that the Terms of Reference precluded any evaluation of the possible cumulative effects of a number of offshore development projects.

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[1] Multiple responses to this question were possible.

During their presentation to the review seminar the Inter-Church Commission on Resource Development expressed concern that the Atlantic Accord legislation precludes public input into the establishment of Terms of Reference for future Panels. The Commission also felt the review process would be enhanced if Bill 59 conferred on future Panels powers of enquiry under the Public Enquiries Act, or the Inquiries Act; at present the Canada-Newfoundland Offshore Petroleum Board may only request (and is not required to do so) that the provincial governments confer such powers.

3.2.4 Information Sessions and Public Hearings

The review process included a total of twelve information sessions held in ten communities (St. John's (three sessions), Harbour Grace, Marystown, Fortune, Come By Chance, Corner Brook, Botwood, Ferryland, and Trepassey) and seventeen public hearings held in six communities (St. John's (twelve hearings), Marystown, Come By Chance, Placentia, Harbour Grace, and Ferryland).

Interestingly, while 68% of respondents felt that the number of information sessions was sufficient, this view was much more widely held by non-intervenors (87%) than intervenors (52%). Similarly, while 67% considered that there were enough public hearings, this was the opinion of 81% of non-intervenors but only 58% of intervenors. These differences presumably reflect variations in familiarity with the process and the difficulty of having an effective participation in it. It might also be thought that the location of the information sessions and (especially) public hearings would place some non-St. John's groups at a disadvantage, but there were no significant differences between St. John's and non-St. John's responses to these questions. Similarly, when asked to respond to the statement 'the timing and location of the public hearings was convenient' 57% of St. John's-based groups and 55% of other groups agreed or strongly agreed.

In terms of procedures at the information sessions and public hearings, there was a significant body of opinion, expressed both in the questionnaires and at the review seminar, that the meetings were too formal and confrontational. For example, the Southern Shore Development Association felt that 'in the question and answer period

following presentation we felt we were on "trial" ... not Mobil.[1] Others commented in questionnaires that 'presentation to the Panel was daunting': 'the information sessions enhanced the hype around the oil industry, rather than informing people - the milieu was not conducive to public participation'; 'I have had occasion to hear people speak about their investment and generally the feelings were of inadequacy, frustration, etc', and 'we need smaller sessions without cameras and media'.

During the course of the public hearings the Panel acceded to a Community Services Council request that the room layout be modified so that those presenting briefs were less isolated from the other members of the public. Such physical and procedural changes may have significant effect on community attitudes.

In order to establish overall community attitudes towards the conduct of these meetings, the survey included a series of statements with which the respondents were asked to express agreement or disagreement. In response to the statement 'the questioning of those submitting briefs was too aggressive and intimidating' only 18% of intervenors expressed agreement. Two further questions asked whether respondents agreed that the Panel and Mobil Oil Canada Ltd.'s representatives 'were generally sympathetic to those presenting briefs'. Nearly a third (32%) of intervenors disagreed in the case of the Panel, while exactly half of them felt that Mobil's representatives were unsympathetic. Twenty-seven percent of intervenors found both the Panelists and Mobil to be unsympathetic; these groups included a rural development association, a rural municipality, a regional interest group based outside St. John's, and three public interest groups located in the City.

3.2.5 Time Constraints

As established by the Atlantic Accord and subsequently Bill 59 there shall be a maximum 270-day period between receipt of a project development plan by the Canada-Newfoundland Offshore Petroleum Board and its decision on the plan. During this period the Board may hold a public review, using either a commissioner or panel. In the case of the Hibernia development project the Panel was required to submit its report by 31 December 1985, 290 days after the establishment of the Panel and 230 days after submission of the Environmental Impact Statement.

The issue of time constraints on public participation was not explicitly addressed by the questionnaire, but it was frequently raised in responses to the open-ended questions and at the review seminars. As has already been noted some interested groups stated that they did not participate in the review process because of lack of time. Groups which did submit briefs noted that 'timing limited what could be accomplished', 'the time frame should be extended in future such undertakings', and that it was necessary to 'provide more time for brief preparation to allow accurate assessment of materials and information released by the proponent.'

This concern was shared by the Panel, which recommended 'a one-year time frame (not including any time required to obtain any new information from the proponents) should be allowed for the review of projects of this magnitude and importance' (HEAP, 1986, 47 (Recommendation No. 45)).

3.2.6 Intervenor Funding

The environmental assessment process essentially involves three main groups, each of which seeks to have its interests protected: the government, the proponent and the community. The last of these may be at a disadvantage in terms of operating its case because of a lack of information and resources. One method of addressing this problem is the granting of intervenor funding.

The Atlantic Accord (and Bill 59), makes no provision for such funding. It has, however, been granted in some cases such as the Beaufort Sea Review, and $50,000 was made available by the Provincial Petroleum Directorate to groups wishing to prepare briefs for presentation to the Hibernia Panel. However, both the survey and the review seminar generated considerable criticism of the amount of funding, the method and timing of its allocation, and the lack of publicity its availability was given. Mobil Oil Canada Ltd. has indicated that the environmental assessment process cost them about $8 million, while the cost of the Panel's review has been estimated at $1 million. As such, the intervenor funding available was only 0.62% of the former and 5% of the latter.

Of all our respondents 42% were not aware that funding had been available. Not surprisingly, a much lower proportion of intervenors (23%) than non-intervenors (69%) were ignorant of it, and while 80% of the regional development associations and

regional interest groups, and 60% of the provincial interest groups knew of it, only one of the ten respondent municipalities did. There was no significant difference between the level of knowledge of St. John's and rural based respondents.

Of groups which were aware of the funding, 57% applied for it. Reasons given for not applying included having insufficient time and money to prepare an application, pessimism that the application would be successful, and the availability of existing resources or other funding sources. Of those respondent groups which applied, 91% received funding. The amount of assistance sought ranged from $1,200 to $16,000 and the value of the grants ranged between $1,200 and $5,000. The average grant was $2,740.

Intervenor funding appears to have had a significant effect on the availability of human resources. All intervenors, whether or not they received grants, were strongly dependent on volunteers, (75% of those with grants, and 70% of those without, used volunteers to help prepare their briefs). However, those with intervenor funding were more likely to be able to use regular staff (used by 65% of groups with grants, as against 40% of those without) and outside consultants (40%, as against 0%).

The general response of those at the review seminar to the available intervenor funding is reflected in the comment 'there should be more time and money allocated for such undertakings in future.' Some municipalities expressed resentment of the fact that they did not know of this intervenor funding even though they were located within the impact areas. With regards to the administration and disposition of such intervenor funding, it was suggested that such money be administered by 'local study groups.' Another suggested that the 'proponent place a sum of money in trust to fund the entire environmental impact study, (and that these) monies then be administered by an independent board.' Recommendation No. 46 of the Hibernia Environmental Assessment Panel supports this, stating that 'intervenor funding should be provided for future offshore projects but that an impartial committee should establish criteria for funding eligibility and decide on its allocation'. (HEAP, 1985, 47).

It was generally thought that the use of intervenor funding would have been more effective if those who will have to deal with the community-level impacts were better trained. At the review seminar the Town Manager of Jerseyside commented that: 'employees of organizations like town councils should have special sessions or training on the negative impacts that may occur in their respective areas.' Many groups echoed the concern that there 'should have been more expertise provided to groups wishing to have input at the hearings' and it was suggested that 'doing away with conflict of interest guidelines for the civil service would help valuable resource people to participate.'

3.2.7 Access to Information

The amount of intervenor funding was modest, and was not seen as fully or effectively addressing the problem of the community's lack of information and resources in comparison with the government and industry. The dilemna expressed by the Southern Shore Development Association (which received funding) was typical:

> as a volunteer association we have been involved in the process for a long time, but not the same people were involved since 1981. When it came down to the presentation, the Southern Shore Development Association felt the lack of continuity and changes in personnel. While we were concerned, we were not necessarily knowledgeable. Because of lack of time, people and technical nature of the information, we ... felt at a loss to field the questions asked of us. This ... undermined our credibility as participants ... Further staff and volunteer changes have meant that we have not followed closely the aftermath of the hearings, the Panel recommendations, and the approval of the Development Plan.

Some groups felt that the Panel gave too much time to professionals employed by the proponent or the government. The Fishermen of the Come By Chance area stated that 'fishermen should be consulted directly - not armchair expert fishermen.' This situation naturally led to feelings of suspicion and a perceived low level of efficacy among some intervenors and potential intervenors.

The survey examined the information sources used by groups in determining the propsective impact of oil development. On average, three sources were consulted. Intervenors used an average of 3.8 sources, while non-intervenors used only 2.1 sources. Three intervenors and four non-intervenors did not consult any source, while two intervenors and two non-intervenors consulted only Mobil Oil Canada Ltd.

(It should be noted that the term 'consulted' may be subject to a wide range of interpretation.) As is clear from Table 2, Mobil Oil Canada Ltd. was by far the most commonly used source, followed by the Petroleum Directorate and then a range of other agencies. The survey also sought comments on the value of the sources consulted, and while most were seen as useful two groups noted that 'Mobil Oil was more co-operative in providing information than was the government ' and that 'the Petroleum Directorate would not share information Groups also questioned whether information provided by either of these sources was unbiased.

During the Hibernia environmental assessment process technical advisors were available for consultation by those interested in preparing briefs. Our survey and review seminar revealed problems concerning knowledge about and the availability of, these advisors. Overall, only 59% of community groups knew of their existance (Table 3). Fourteen percent of intervenors and 17% of non-intervenors were not aware these advisors were available. A large percentage of both knew of but did not use these advisors and comments during the review indicated that many groups had a problem getting access to the experts. When they contacted the Panel Secretariat, they were told to put their comments or questions in writing and this deterred most of them in pursuing the query, given the shortness of time and the limited resources at their disposal.

In terms of written sources used in determining the impact of oil development, intervenors were approximately twice as likely as non-intervenors to have consulted the available literature, other than the EIS itself which was commonly used by both, and was by far the most used of the documents. It is also interesting to note that, while the survey was undertaken four to eight weeks after the release of the Panel Report, only 73% of intervenors had consulted it.

TABLE 2

Sources of Information Consulted

(a) Sources Consulted about Oil Development in General

	Intervenors (%)	Non-intervenors (%)	Total (%)
Mobil Oil Canada Ltd.	82	50	67
Petroleum Directorate	73	28	52
Other Provincial Government	27	6	17
Energy, Mines, Resources	18	17	17
Other Federal Government	23	11	17
Private Consultants	55	6	32
Rural Development Associations	32	17	25
Community Services Council	45	17	32
MUN Extension	41	22	32
MUN Other	54	6	32
Other	41	11	27

(b) Written Sources Consulted re Hibernia Project

	Intervenors (%)	Non-intervenors (%)	Total (%)
Environmental Impact Statement	82	67	75
Technical Reports	45	28	37
EIS Supplementary Information	64	28	47
Transcripts (Information Sessions)	64	22	45
Transcripts (Public Hearings)	64	22	45
Compendium of Comments	50	20	35
Panel Report	73	33	55

TABLE 3

Knowledge About, and Use of, Technical Advisors

	Intervenors (%)	Non-Intervenors (%)	Total (%)
Knew of, and used	23	11	17
Knew of, and did not use	50	33	42
Did not know of	14	17	15
No response	14	39	25

3.2.8 The Need for Implementation of Recommendations

This final part of the environmental impact review process is one which has long been the focus of criticism from community groups anxious to see their concerns addressed during development. One of the main concerns voiced in response to our survey and consultations was the lack of any clear mechanism whereby the Panel's recommendations might be implemented. The two levels of government, through the Canada-Newfoundland Offshore Petroleum Board, have total discretion in deciding which recommendations become project requirements. The Board, as initiating agency, is also responsible for determining and administering the response to the Panel's report and for informing the public of the review outcome.

The principal criticism was, therefore, that the review is an on-off process which ends once the Panel's recommendations go to the Board. There was recognition of this problem on the part of the Hibernia Environmental Assessment Panel which recommended that 'government should develop an overall strategy for implementation of these recommendations with appropriate funding levels and sources, such as the Offshore Development Fund.' (HEAP, 1986, 47 (Recommendation No. 50)) The Venture Project and Beaufort Sea panels also recognized this problem, and recommended that particular government agencies submit annual reports on the progress made in addressing their recommendations.

The response to the CSC survey emphasized a desire for continuing community involvement, as recommended by the Hibernia Panel: 'Now the decision has been made and we feel that there will be little follow-up in the communities ... now that the project is approved, we still want to be involved'; 'we would like to see a strong link between panel recommendations and outcome - we'll wait and see'; 'need a process for implementing panel recommendations'; and 'Mobil was somewhat tongue-in-cheek. They realized that while the hearings were interesting, they were somewhat useless.' The Inter-Church Commission on Resource Development felt that the 'review process in Canada has no teeth and allows only an airing of public concern with little or no input or management of a particular proposal. In the jargon of the critics, the process lacks accountability.'

The Hibernia Panel also recommended that 'the Offshore Petroleum Board should establish suitable mechanisms to ensure a continuing exchange of views between itself, government agencies, the proponent and the public during the life of the project.' (HEAP, 1986, 47 (Recommendation No. 48)

The Hibernia Panel also recommended that 'the Offshore Petroleum Board should establish suitable mechanisms to ensure a continuing exchange of views between itself, government agencies, the proponent and the public during the life of the project.' (HEAP, 1986, 47 (Recommendation No. 48)) Concerns as to the Canada-Newfoundland Offshore Petroleum Board's intentions in this regard were reinforced when the HEAP Report was released. A joint Board, government and Mobil briefing session was held to review the recommendations. Community groups were not invited, and a Community Services Council request that the Board hold a similar session with such groups was denied. Unfortunately, situations like this intensify antagonism between those involved in the process.

4.0 CONCLUSIONS AND RECOMMENDATIONS

4.1 Introduction

In many ways the Hibernia project assessment process may be judged successful. The attendance at information sessions and public hearings often exceeded the expectations of the Panel, and a large number of briefs were submitted. As has been seen the great majority of community groups felt that the process was valuable and should be repeated whenever a new development application is submitted.

However, it must also be recognized that there were a number of problems with the process. These include the time frame, availability of financial and other support, and details of the Panel's operations. Furthermore, the process would have been more effective had the involvement of the community been encouraged prior to, throughout, and subsequent to the panel review itself. This requires a commitment, on the part of the government, to more directly involve the community in the management process.

4.2 Recommendations

The rest of this report presents and briefly discusses a number of recommendations based on the finding of the survey and review seminar. These recommendations pertain to the involvement of the community in the review process, rather than concerns about the current role and practice of environmental impact assessments per se. (see, for instance, Greenal, 1985; CEARC, 1985)

1. A public review should be held whenever a new offshore development is proposed. Despite frustrations with the review process there is clear and strong community support for such reviews. The groups which intervened considered that they had a valuable opportunity to express their concerns and interests, and that it was a valuable educational process. The Panel, for its part, acknowledges that public input 'was of vital importance in formulation of (our) conclusions and recommendations.' (HEAP, 1986, foreword)

2. There should be public input into all stages of the review, including the establishment of the terms of reference, timetable and review procedures. Such involvement will serve to improve the process for all participants and, in particular, increase its credibility with the public and community groups.

3. The timetable for the review should permit a full and effective community involvement; the case of major projects a period of at least one year (not including any time required to obtain new information from the proponents) should be provided. The short review period, especially given the limited public access to information and resources, was the major constraint on a full and effective public involvement. This reduced the number and quality of briefs, caused considerable frustration, and diminished the credibility of the process.

4. Intervenor funding should be available for all public reviews; its availability should be widely publicized, with an impartial committee establishing the criteria for eligibility and the allocation of funds. Money should be made available as early as possible in the review process, in an amount proportional to the total cost of the proposed development. Intervenor funding facilitates an effective public input and assists in educating community groups. It is particularly important in a province where there is no regional government and where municipalities and community groups have only limited, often over-extended, research and planning staff.

5. An impartial community information centre should be established to respond to inquiries about oil development and engage in a proactive dissemination of information to community groups and the general public. Such a centre should not be project specific, but part of an overall program to educate and train the community to play a major role in managing offshore development. As such it would be appropriate to provide funding from the Offshore Development Fund. An important role of the centre would be informing community groups and the public about all aspects of the review process, including the terms of reference, timetable, availability of intervenor funding, and review procedures.

6. A community training program should be established to provide targetted seminars, workshops and courses, responding to the needs of specific groups in dealing with and managing offshore development. As with the community information centre, such a training program should not be project specific but would form part of a broader initiative to ensure an effective community involvement in resource development. Again, such a program would seem an appropriate use of the Offshore Development Fund.

7. Community involvement in managing resource development should extend throughout the project and offshore development in general. There is copious evidence that the net benefits of resource development can only be maximized if the community plays a major role in all stages. (Roberts, 1985; Archibald, 1986; Paget and Rabnett, 1986) In the case of the Hibernia development a 'boom' in community involvement, through the formal review process, was followed by an immediate 'bust' in terms of providing feedback on the Panel's recommendation and involving them in implementation. This is frustrating for the community groups and results in a waste of the resources committed to education and training for purposes of producing briefs.

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APPENDIX 1

COMMUNITY SERVICES COUNCIL

ENVIRONMENTAL ASSESSMENT QUESTIONNAIRE

GENERAL INSTRUCTIONS

Most questions may be answered by simply placing an "X" in the appropriate box; other questions ask for written-in answers. However, please write in additional comments whenever you wish to do so. All information will be kept confidential and the results will be reported in aggregate form only.

PART A: GROUP DATA

(In this first section we are interested in learning about your organization.)

1. Organization: _____

   Address: _____

   Telephone: _____

   Name of Contact for Survey: _____

2. How many people, if any, are employed by your organization?

   Full time staff: _____ persons

   Part time staff: _____ persons

PART B: SOURCES OF INFORMATION

(In this section we are interested in how your organization studied the potential impact of the development of offshore oil.)

3. How much impact do you feel offshore oil development will have on those interests your organization serves?

   None _____

   Some _____

   Quite A Lot _____

4. Which, if any, of the following possible sources of information has your organization consulted in determining the probable impact of offshore oil development? How useful was it?

SOURCE	Whether Consulted YES	NO	If yes, were they useful? USEFUL	NOT USEFUL
Mobil Oil Canada Ltd.	___	___	___	___
MUN Extension Services	___	___	___	___
MUN (Other)	___	___	___	___
Provincial Petroleum Directorate	___	___	___	___
Other Provincial Department (Please specify)				
_____	___	___	___	___
_____	___	___	___	___
Private Consultants	___	___	___	___
Community Services Council	___	___	___	___
Rural Development Association	___	___	___	___
Energy, Mines and Resources Canada	___	___	___	___
Other Federal Department (Please specify)	___	___	___	___
_____	___	___	___	___
_____	___	___	___	___
Other Source(s) (Please specify)				
_____	___	___	___	___
_____	___	___	___	___

5. Mobil Oil Canada Ltd. produced several documents as part of the Hibernia Review Process. These documents are listed below. Please indicate whether your organization has consulted and/or has a copy of each of the following:

TITLE	Whether Consulted YES	NO	Whether you have a copy YES	NO
Environmental Impact Statement				
Vol. I: Summary	___	___	___	___
Vol. II: Project Description	___	___	___	___
Vol. III: Biophysical Assessment	___	___	___	___
Vol. IV: Socio-Economic Assessment	___	___	___	___

TITLE	Whether Consulted YES	Whether Consulted NO	Whether you have a copy YES	Whether you have a copy NO
Technical Reports (Various)	___	___	___	___
Supplementary Information	___	___	___	___

6. The Hibernia Environmental Assessment Panel produced several documents as part of the Hibernia Review Process. These documents are listed below. Please indicate whether your organization has consulted and/or has a copy of each of the following:

DOCUMENT	Whether Consulted YES	Whether Consulted NO	Whether you have a copy YES	Whether you have a copy NO
Transcripts of the Information Sessions	___	___	___	___
Transcripts of the Public Hearings	___	___	___	___
Compendium of Comments Received on the Technical Review	___	___	___	___
Report of the Panel	___	___	___	___

7. The Hibernia Environmental Assessment Panel hired specialists to provide advice on certain technical subjects that might be raised during the review process. These experts could be consulted by any review participant. Please indicate whether your organization:

	YES	NO
a) made use of these experts.	___	___
b) knew about, but did not use these experts.	___	___
c) did not know that the experts were available.	___	___

PART C - PARTICIPATION AND FUNDING

(In this section we are interested in the degree to which your organization participated in the Hibernia Environmental Impact Assessment Process and how this work was funded. If your group did not participate in this process, please go to Question 10.)

8. The Hibernia Environmental Assessment Panel held a number of Information Meetings in June 1985.

	YES	NO
a) Did your organization attend any of these Information Meetings?	___	___
b) If yes, did your organization make a statement or ask any questions?	___	___

9. The Hibernia Environmental Assessment Panel also held a number of Public Hearings during October 1985.

	YES	NO
a) Did your organization attend any of these Public Hearings?	___	___
b) If yes, did your organization prepare a brief for presentation to the Panel?	___	___

c) If yes, who prepared it? (Please indicate)

- Regular paid staff _____
- Specially hired staff _____
- Volunteers _____
- Hired consultants _____

(If your organization attended any Information Meetings or Public Hearings, please go to Question 11.)

10. If your organization did not participate in the Information Meetings and the Public Hearings held by the Hibernia Environmental Assessment Panel, why was this? (Please indicate those which apply.)

a) Did not feel it relevant to our group. ___
b) Insufficient time. ___
c) Insufficient information. ___
d) Insufficient expertise and staff. ___
e) Did not expect our views to have any impact. ___
f) Other (please specify). ___

11. The province made $50,000 in funding available to assist those groups which wanted to prepare briefs.

	YES	NO
a) Was your organization aware that this money was available? (If No, please go to Question 13.)	___	___
b) Did your organization apply for provincial funding? (If No, please go to question 12.)	___	___

c) How much provincial funding did your organization apply for? $_____

d) How much provincial funding did your organization receive? $_____

e) How was this money spent? (Please specify.)

Wages _____

Materials _____

Travel Costs _____

Other _____

(If your organization did apply for Provincial funding, please go to Question 13.)

12. If your organization did not apply to the Province for funding, please indicate the reason(s) for your decision.

a) Had decided not to submit a brief. _____

b) Insufficient time to prepare a funding application. _____

c) Insufficient staff to prepare a funding application. _____

d) Did not think our finding application would be successful. _____

e) Did not require funding. _____

f) Had an alternate source of funding. (Please specify.)

_____

g) Other (Please specify.)

_____

PART D - GENERAL OBSERVATIONS

(In this section we are interested in your general impressions as to the value of the Environmental Assessment Process.)

13. Does your organization feel that the number of Information Meetings held was sufficient?

YES _____ NO _____

14. Does your organization feel that the number of Public Hearings held was sufficient?

YES _____ NO _____

15. Generally speaking, how does your organization feel the Environmental Assessment Process might be improved? (Please comment.)

_____

_____

_____

16. We would like to get your overall personal impressions of the Hibernia Review Process. Besides each of the statements listed below, please indicate whether you strongly agree (SA), agree (A), don't know (DK), disagree (D), or strongly disagree (SD).

	SA	A	DK	D	SD
a) The process made our organization more aware of the potential impact of the Hibernia development.	—	—	—	—	—
b) The process provided a valuable opportunity for groups like ours to present our views.	—	—	—	—	—
c) The process made it easier for Mobil to present its point of view than it did for small organizations like ours.	—	—	—	—	—
d) The process made us more aware of the need for initiatives to offset the potentially negative socio-economic impacts of the development of Hibernia.	—	—	—	—	—
e) The process is valuable and should be repeated each time the Board receives a development application.	—	—	—	—	—
f) The process is a waste of time and will have little impact on the way Hibernia is developed.	—	—	—	—	—

17. The following are some attitudes expressed about the Public Hearings. (Please indicate whether you personally strongly agree (SA), agree (A), don't know (DK), disagree (D), or strongly disagree (SD)).

	SA	A	DK	D	SD
a) The questioning of those submitting briefs was too aggressive and intimidating.	—	—	—	—	—
b) The panelists were generally sympathetic to those presenting briefs.	—	—	—	—	—
c) Mobil Oil Canada Ltd.'s representatives were generally sympathetic to those presenting briefs.	—	—	—	—	—
d) The timing and location of the Public Hearings were convenient.	—	—	—	—	—

18. Finally, are there any other comments you wish to add?

_____

_____

_____

_____

_____

_____

(Please return this questionnaire as soon as possible using the enclosed stamped addressed envelope. Thank you for your co-operation in our evaluation of the Hibernia Assessment Process.)

APPENDIX 2

PARTICIPANTS, HIBERNIA PROCESS REVIEW SEMINAR

Held at the Holiday Inn, St. John's

Thursday, 13 March 1986

Raoul Andersen	Anthropology Department, Memorial University of Newfoundland, St. John's, NF A1C 5S7
Susan Bonnyman	Department of the Environment, Government of Newfoundland and Labrador, P. O. Box 4750, St. John's NF A1C 5T7
Joanne Cag	Interchurch Commission on the Social Impact of Resource Development, 320 Elizabeth Avenue, St. John's, NF A1E 1T9
Cletus Canning	Placentia Area Development Association, P. O. Box 40, Jerseyside, Placentia Bay, NF A0B 2G0
Nick Careen	Placentia Area Development Association, P. O. Box 40, Jerseyside, Placentia Bay, NF A0B 2G0
Tony Collins	Rural Development Council, P. O. Box 303, Gander, NF A1V 1W7
Joe Coombes	Newfoundland Association of Social Workers, P. O. Box 5244, East End Post Office, St. John's, NF A1C 5W1
John Downton	Mobil Oil Canada Ltd., P. O. Box 62, Atlantic Place, 215 Water Street, St. John's, NF A1C 6C9
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Marie Hedderson	L M Associates, P. O. Box 5219, St. John's, NF A1C 5W1
Bill Hickey	Public Affairs Manager, Canada-Newfoundland Offshore Petroleum Board, Suite 500, TD Place, 140 Water Street, St. John's, NF A1C 6H6
Geraldine Kavanagh	Southern Shore Development Association, P. O. Box 119, Ferryland, NF A0A 2H0
Linda Kealey	St. John's Status of Women Council, 83 Military Road, P. O. Box 6072, St. John's, NF A1C 5X8
Doug May	Economics Department, Memorial University of Newfoundland, St. John's, NF A1C 5S7
Earle McCurdy	Newfoundland Fish, Food and Allied Workers Union, P. O. Box 880, St. John's, NF A1C 5L9
Bin Newell	Planning Department, City of St. John's, P. O. Box 908, St. John's, NF A1C 5M2
Maureen O'Brien	Office of the Secretary of State, Government of Canada, P. O. Box 75, 8th Floor, Atlantic Place, 215 Water Street, St. John's, NF A1C 6C9
Donald O'Keefe	Town Manager, Town Council, P. O. Box 70, Jerseyside, Placentia Bay, NF A1B 2G0

Annette Stuckless	Royal Commission on Employment and Unemployment, P. O. Box 2635, Station "C", St. John's, NF A1C 6E7
Neil Penney	Office of the Secretary of State, Government of Canada, P. O. Box 75, 8th Floor, Atlantic Place, 215 Water Street, St. John's, NF A1C 6C9
Janet Miller Pitt	I.D.P. Consultants Ltd., P. O. Box 188, Station "C", St. John's, NF A1C 5J2 (consultant to Southern Shore R.D.A.)
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